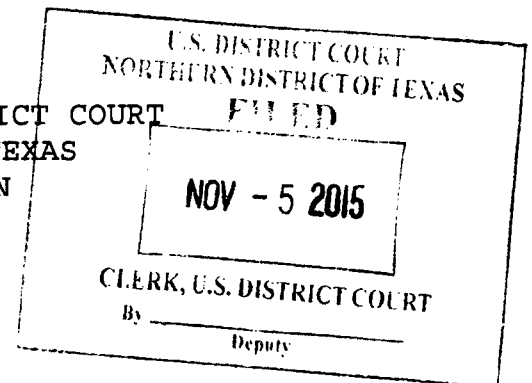


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



AV POLO RUN STEEPLECHASE,

Plaintiff,

VS.

MICHIAL PATRICK, ET AL.,

Defendants.

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NO. 4:15-CV-795-A

ORDER

Came on for consideration the above-captioned action wherein AV Polo Run Steeplechase is plaintiff and Michial Patrick ("Patrick"), Luz Sanchez, and all occupants of 7509 Seattle Slew Dr. Apt. 1115, Fort Worth, Texas 76112, are defendants. This action was brought before the court by notice of removal filed by Patrick on October 21, 2015. Patrick has been granted leave to proceed in forma pauperis and the court now reviews the action to determine whether its jurisdiction has been properly invoked.

As best the court can tell, this is a forcible detainer action initiated in the Justice Court, Precinct 8, of Tarrant County, Texas, by a landlord alleging that defendants, including Patrick, have failed to pay their rent since June 2015. Inasmuch as Patrick is a citizen of the State of Texas, the action may not be removed on the basis of diversity. 28 U.S.C. § 1441(b)(2). Moreover, the amount in controversy does not meet the court's jurisdictional requirement. 28 U.S.C. § 1332(a).

Additionally, there is no federal question raised in plaintiff's complaint. Although Patrick purports to raise an issue regarding violation of the Fair Debt Collection Practices Act, a defensive claim such as the one asserted here does not create a federal court jurisdiction. Caterpillar, Inc. v. Williams, 482 U.S. 386, 392-93 (1987). Therefore,

The court ORDERS that this action be, and is hereby, remanded to the Justice Court, Precinct 8, of Tarrant County, Texas, from which it was removed.

Removal of this case was improper. The court cautions Patrick that further frivolous removal actions or filing of frivolous complaints may subject him to sanctions, including being denied the right to file actions in federal court.

SIGNED November 5, 2015.



JOHN MCBRYDE
United States District Judge